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Patent**Certificate of Facsimile Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Fax Number: 571-273-8300

No. of Pages: 16

By: Raquel C. West

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McDaniel, et al.

Application Serial No.: 09/809,155

Filing Date: 03/05/2001

For: Programming Automation By  
Demonstraion

Group Art Unit: 2121

Examiner: Hartman, Jr.

Attorney Docket No.: 2000P07500US01

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO OFFICE COMMUNICATION**

Sirs:

This is a response to the Office Communication mailed of July 3, 2006 (a copy of which is enclosed), for which a period for a response of one (1) month from the mailing date is set to expire on August 3, 2006. In the communication, the Examiner alleges that the Applicants did not provide a signed Declaration or Oath in its response to the Notice to File Missing Part dated April 24, 2001. Applicants disagree. A response dated June 12, 2001 to the Notice to File Missing Parts included the signed Declaration and Power of Attorney. As evidence thereof, we are enclosing herewith a copy of the following:

- Exhibit A: a copy of the post card listing what we submitted to the response to the Notice to File Missing Parts, stamped by the Patent Office confirming receipt of the response;
- Exhibit B: a copy of the Transmittal for the response to Notice to File Missing Parts with a Certificate Mailing dated June 12, 2001;
- Exhibit C: a copy of the response to the Notice to File Missing Parts, having a Certificate of Mailing dated June 12, 2001;
- Exhibit D: a copy of the Notice to File Missing Parts;
- Exhibit E: a copy of a Communication that the Applicant sent along with the response; and

- Exhibit F: a copy of the Declaration and Power of Attorney, fully executed by each inventor

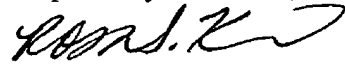
Applicants believe that we properly submitted the executed Declaration and Power of Attorney to the Patent Office on June 12, 2001 and we ask the Examiner to reconsider the response to be sufficient. Applicants regret any confusion by its not responding to the perceived deficiency regarding a signed Declaration in the last Office Action response. However, Applicants believe the present response should adequately address this issue.

We believe there are no fees due for the filing of this paper however, at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 19-2179 pursuant to 37 CFR 1.25.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation  
**Customer No. 28524**  
Attn: Elsa Keller, Legal Administrator  
170 Wood Avenue South  
Iselin, NJ 08830

Respectfully submitted,



Rosa S. Kim, Reg. No. 39,728  
Attorney(s) for Applicant(s)  
Telephone: 650-694-5330  
Date: 7-21-06

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## SIEMENS Corporation

IPD-West Coast  
4900 Old Ironsides Drive, MS 503  
P.O. Box 58075  
Santa Clara, CA 95052-8075

## PATENT APPLICATION

ATTORNEY DOCKET NO.: 00 P.7500 US01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard Gary McDaniel et al.

Serial No.: 09/809,155

Examiner: Unassigned

Filed: March 5, 2001

Group No.: Unassigned

For: PROGRAMMING AUTOMATION BY DEMONSTRATION

## BOX MISSING PARTS

The Assistant Commissioner for Patents  
Washington, D.C. 20231RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED

This is a response to the Notice to File Missing Parts of Application having a mailing date of April 24, 2001, for which a period for response of two (2) months from the mailing date is set to expire on June 24, 2001.

Enclosed is an executed Declaration by the present inventors. Also enclosed is a copy of the Notice to File Missing Parts of Application. An Assignment of the invention is being filed under separate cover.

Please charge Deposit Account No. 19-2179 for the surcharge of \$130.00 in accordance with 37 CFR 1.16(e). It is not believed that any additional fees are due in connection with this paper, however the Assistant Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 19-2179. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: JUNE 12, 2001Typed Name: Rachael C. WestSignature: 

Respectfully submitted,

Rosa S. Kim  
Attorney for Applicant(s)  
Reg. No.: 39,728Date: 6-12-01  
Telephone No.: (408) 492-4956

EXHIBIT C



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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JUL 21 2006

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/809155

3/5/2001

McDaniel

00 P 7500 US01

EXAMINER

HARTMAN, JR.

ART UNIT

PAPER

2121

20060613

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 4/10/2006 is not fully responsive to the prior Office Action because:

The applicant has not provided the examiner with an Oath or Declaration signed by the inventors. It is noted that in the Notice to File Missing Parts of Nonprovisional Application, mailed on 4/24/2001, the applicant was alerted to this fact. The application became abandoned after no response from the applicant and this occurred on 12/11/2003. The applicant then petitioned to revive the application and was successful in this attempt on 5/6/2004, however, the applicant still had not addressed the fact that the Oath or Declaration was unsigned with respect to the inventors. On 1/10/2006 a Non-Final office action was mailed which, once again, reiterated to the applicant that the Oath or Declaration was defective because it was not signed by any of the inventors. The Amendment filed on 4/10/2006, to which this notice is a response, still has yet to address this deficiency. Therefore, the amendment filed on 4/10/2006 is considered to be non-responsive since the applicant has not provided a signed Oath or Declaration or provided any reason(s) as to why this deficiency has been repeatedly ignored.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Ronald D Hartman  
Patent Examiner  
Art Unit 2121  
June 20, 2006

To the U.S. Patent & Trademark Office

Please stamp the date of receipt of the following document(s) and return this card to us.

Atty Dkt. No.: 00 P 7500 US01 Atty RSK/rcw

Serial No.: 09/809,155, Filed 03/05/01

Inventor(s): Richard Gary McDaniel et al.

Title: PROGRAMMABLE AUTOMATION BY DEMONSTRATION

- ☒ Transmittal of Missing Parts
- ☒ Response to Notice of Missing Parts (Due on 06/24/01, in duplicate)
- ☒ Notice to File Missing Parts (copy)
- ☒ Communication
- ☒ Executed Declaration For Patent Application & Power of Attorney
- ☒ Certificate of Mailing dated JUNE 12, 2001

To the U.S. Patent & Trademark Office

Please stamp the date of receipt of the following document(s) and return this card to us.

Atty Dkt. No.: 00 P 7500 US01 Atty RSK/rcw

Serial No.: 09/809,155, Filed 03/05/01

Inventor(s): Richard Gary McDaniel et al.

Title: PROGRAMMABLE AUTOMATION BY DEMONSTRATION



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- ☒ Notice to File Missing Parts (copy)
- ☒ Communication
- ☒ Executed Declaration For Patent Application & Power of Attorney
- ☒ Certificate of Mailing dated JUNE 12, 2001

EXHIBIT A

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SIEMENS Corporation  
Intellectual Property Dept.  
186 Wood Avenue South  
Iselin, NJ 08830

## PATENT APPLICATION

ATTORNEY DOCKET NO.: 00 P 7500 US01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard Gary McDaniel et al.

Serial No.: 09/809,155

Examiner: Unassigned

Filed: March 5, 2001

Group No.: Unassigned

For: PROGRAMMING AUTOMATION BY DEMONSTRATION

## BOX MISSING PARTS

The Assistant Commissioner for Patents  
Washington, D.C. 20231TRANSMITTAL OF MISSING PARTS OF APPLICATION --  
FILING DATE GRANTED

Sir:

Enclosed are the following documents:

1. Response to Notice to File Missing Parts of Application -- Filing Date Granted (in duplicate);
2. Copy of Notice of Missing Parts of Application; and
3. Communication
4. Executed Declaration for Patent Application & Power of Attorney

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: JUL 12, 2001Typed Name: Raquel G. WestSignature: 

Respectfully Submitted,

Rosa S. Kim  
Attorney for Applicant(s)  
Reg. No.: 39,728Date: 6-12-01  
Telephone No.: (408) 492-4956

EXHIBIT B

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JUL 21 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/809,155	03/05/2001	Richard Gary McDaniel	00P7500US01

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830CONFIRMATION NO. 5378  
FORMALITIES LETTER

\*OC000000006001915\*

Date Mailed: 04/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")

A copy of this notice **MUST** be returned with the reply

07/25/2006 BARROWA1 00000029-192179 09009155

01 FC-1051

130.00 DA

Customer Service Center

EXHIBIT D

Jul 21 06 02:30p

Siemens IPD West

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p. 8

Page 2 of 2

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**EXHIBIT D**



ATTY DOCKET NO. 00 P 7500 US01

PATENT

I hereby certify that this correspondence is being deposited on this date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on:

JUL 17 2001

Raquel West

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Richard Gary McDaniel et al.

Examiner: Unassigned

Serial No.: 09/809,155

Group Art Unit: Unassigned

Filed: March 5, 2001

Title: PROGRAMMING AUTOMATION BY DEMONSTRATION

**Box Missing Parts****Assistant Commissioner for Patents****Washington, D.C. 20231****Communication**

Sir:

Applicant requests that it be noted for the record that the Declaration/Power of Attorney form submitted concurrently as the response to the Notice to File Missing Parts of Non-Provisional Patent Application (mailed April 24, 2001) mistakenly identifies the above-identified non-provisional patent application as Attorney Docket number "99P7500US01" and that the correct Attorney Docket number is 00P7500US01. Since the Declaration/Power of Attorney form explicitly identifies the above-identified non-provisional patent application by application number 09/809,155 with filing date of March 5, 2001, Applicants believe the Declaration/Power of Attorney form is sufficient.

Applicant further requests that it be noted for the record that the Assignment document submitted concurrently herewith for recordation mistakenly identifies the docket number of the above-identified non-provisional patent application as "99P7500US01" in the heading of the Assignment document and correctly identifies the docket number of the above-identified non-provisional patent application as "00P7500US01" in the body of the Assignment document (and mistakenly identifies the docket number of the associated provisional patent

Serial No. 09/809,155

**EXHIBIT E**

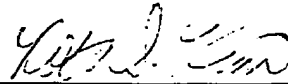
Page 1

ATTY DOCKET NO. 00 P 7500 US01

application which is actually --00P7500US-- as "99P7500US" in both the heading and body of the Assignment document). However, the Assignment document explicitly identifies the above-identified non-provisional patent application by application number 09/809,155 with filing date March 5, 2001 (and the associated provisional patent application by application number 60/186,969 with filing date March 6, 2000), and therefore Applicants are submitting the Assignment document for recordation as the assignment of the specific applications identified by serial numbers is effective but for the above-mentioned informalities.

No fee is believed due for this Communication. However, if the Commissioner disagrees, please charge to Deposit Account No. 19-2179 any fees required or credit any overpayment pursuant to 37 CFR 1.25. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,



Rosa S. Kim  
Attorney for Applicant  
Reg. No.: 39,728  
Tel: 408-492-4956  
Fax: 408-492-7414  
Date: 6-12-01

PLEASE MAIL CORRESPONDENCE TO:  
Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Dept.  
186 Wood Avenue South  
Iselin, NJ 08830

**EXHIBIT E**

Serial No. 09/809,155

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